

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

JULIE DALESSIO, an individual,

Plaintiff,

v.

UNIVERSITY OF WASHINGTON,

Defendant.

No. 2:17-cv-00642-RSM

DEFENDANT UNIVERSITY OF
WASHINGTON'S RESPONSE TO
PLAINTIFF'S MOTION TO COMPEL

I. INTRODUCTION

Plaintiff's motion is not ripe because it was served less than one week after Plaintiff served her discovery requests. Plaintiff did not meet and confer about these discovery requests, and her request to meet and confer just a few hours after serving the discovery does not satisfy the court rules or give Defendant University of Washington ("University") sufficient time to review the requests and look for responsive documents. Plaintiff filed her unripe motion in order to meet the already extended deadline for discovery motions. Further, Plaintiff's motion offers no substantive argument and does not specifically identify any responses to her Fourth Set of Discovery that are insufficient. Finally, Defendants response to this motion is due before its responses to the discovery requests are. For all of these reasons, the University respectfully requests the Court deny Plaintiff's motion to compel.

II. STATEMENT OF FACTS

Plaintiff served her Fourth Set of Interrogatories and Requests for Production of
DEFENDANT UNIVERSITY OF WASHINGTON'S
RESPONSE TO PLAINTIFF'S MOTION TO COMPEL - 1
2:17-cv-00642-RSM

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Documents on November 13, 2017, roughly two hours before the parties had a phone conference set to discuss other discovery requests. *Chen Decl.*, at ¶ 2. On the phone call, counsel for the University confirmed he had not had time to read the fourth set yet much less seek responsive documents, and therefore could not discuss any of those requests on the call. *Id.* Counsel for the University confirmed the University would respond to the fourth set pursuant to the court rules. *Id.* The deadline for discovery motions in this case was November 17, 2017. *Dkt. 53.*

III. EVIDENCE RELIED UPON

- Declaration of Derek Chen.

IV. ARGUMENT AND ANALYSIS

Parties served with discovery have thirty days to respond to interrogatories and requests for production of documents. FRCP 33(b)(2); FRCP 34(b)(2). While the Court is lenient in some areas with pro se litigants, they are still bound by the rules of procedure. *Ghazali v. Moran*, 46 F.3d 52, 54 (9th Cir. 1995). Plaintiff has not even seen Defendant's responses yet, and simply assumes she knows Defendant will make objections. Plaintiff's requests were sent just days before the deadline for discovery motions, and she understood at the time that she would not be able to seek to compel production of them after Defendant responds if she was unsatisfied with the response. Plaintiff argues Defendant refused to respond prior to the discovery motion deadline, but doing so would have meant responding with binding responses and, if necessary, objections in just four days. The Court rules permit thirty days to allow time to search for documents and knowledge to respond. Unless ordered by the Court, there is not requirement to respond earlier than thirty days.

Additionally, "the motion must identify with specificity the documents which Plaintiff seeks." *Estes v. Video Gaming Techs., Inc.*, No. C10-4368 RS (JSC), 2011 WL 13153243, at *2 (N.D. Cal. Nov. 9, 2011); *Johnson v. Dovey*, No. 1:08-CV-00640LJO DLB, 2010 WL 3058017, at *2 (E.D. Cal. Aug. 3, 2010). Plaintiff's request simply states:

DEFENDANT UNIVERSITY OF WASHINGTON'S
RESPONSE TO PLAINTIFF'S MOTION TO COMPEL - 2
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The information requested pertains to persons named in previous disclosures as custodians of the Plaintiff's records, and/or to possible witnesses identified by UW (*Dkt. 34, Objections to Defendant's Notice of Intent to Call Witnesses*) and/or to UW records pertaining to Plaintiff.

Dkt. 59, at p. 2:2-4. Plaintiff cannot identify deficiencies in Defendant's responses, as they are not due yet. Plaintiff also cannot file a "place-holder" motion to compel to get around Court set deadlines. Plaintiff's motion has no substance and she has failed to meet and confer. Consequently, it should be denied.

V. CONCLUSION

For the reasons set forth above, Defendant respectfully requests the Court deny Plaintiff's motion to compel with prejudice, as the deadline to file discovery motions passed just days after Plaintiff sent these requests.

DATED: December 11, 2017

KEATING, BUCKLIN & McCORMACK, INC., P.S.

By: /s/ Jayne L. Freeman
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CERTIFICATE OF SERVICE

I hereby certify that on December 11, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Attorneys for Pro-Se Plaintiff

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DATED: December 11, 2017

/s/LaHoma Walker

LaHoma Walker, Legal Assistant